

Utilities and Energy

PUBLIC 7 An Act To Standardize Water Lien Provisions

LD 244

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON E DAVIS P	OTP	

Public Law 2005, chapter 7 expands current law with regard to the collection of unpaid water utility rates. Currently, water districts created by private and special law have a lien on property served by the district to secure payment of unpaid rates. Public Law 2005, chapter 7 provides that all consumer-owned water utilities, which includes municipal water departments, have such liens.

Public Law 2005, chapter 7 preserves current law that provides that when a landlord has applied for and is granted water utility service to a multiunit residential rental property, a water utility, which includes any private water company or public water district or municipal water department, has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property.

PUBLIC 23 An Act To Revise the Salary Range of Certain Public Utilities Commission Employees

LD 656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-25

Public Law 2005, chapter 23 amends a provision of law governing the salary range of division directors at the Public Utilities Commission: general counsel, director of finance, administrative director, director of technical analysis, and director of consumer assistance. It corrects the omission from this provision of the director of energy programs. It raises the salary range for all the positions.

PUBLIC 51 An Act Authorizing the Public Utilities Commission To Designate EMERGENCY a Sole Provider of 2-1-1 Information and Referral Services in Maine

LD 523

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM BROMLEY	OTP-AM	H-100

Public Law 2005, chapter 51 authorizes the Public Utilities Commission to designate an appropriate entity to be the sole entity entitled to use the 2-1-1 telephone number assigned by the Federal Communications Commission for access to information and referral services. A designation may extend for no more than 3 years but may be renewed, after review, for successive terms. Before making a designation or renewing a designation, the commission shall determine that the designation or renewal is in the public interest. The commission is authorized to suspend, terminate or modify a designation if it determines the public interest is no longer served by the designation or in response to actions by the Federal Communications Commission that affect the availability or assigned use of the 2-1-1 number.

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The commission must make a designation within 60 days of the effective date of this Act or the receipt by the commission of a request from an entity for designation, whichever is later, provided the commission determines the designation is in the public interest.

Public Law 2005, chapter 51 was enacted as an emergency measure effective April 20, 2005.

PUBLIC 91	An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements	LD 289
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES BARTLETT	OTP-AM	H-139

Public Law 2005, chapter 91 repeals the requirement that the State Planning Office report annually to the Legislature on statewide storage inventories of petroleum products. It requires the State Planning Office to provide, on request, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State. It expands the State Planning Office's duty to report on projected shortfalls of certain fuels by requiring reports on projected shortfalls of kerosene. It repeals the section of law establishing the State's petroleum set-aside system.

PUBLIC 110	An Act To Promote the More Efficient Use of Natural Gas	LD 397
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-185

Public Law 2005, chapter 110 requires gas utilities that serve at least 5,000 residential consumers (which currently includes only Northern Utilities) to implement cost-effective conservation programs. The funding level is capped at 3% of the utility's delivery service revenues. The apportionment of a gas utility's available funds for conservation programs must be in accordance with rules adopted by the Public Utilities Commission. The Public Utilities Commission is required to ensure that a reasonable percentage of funds is available to low-income consumers and to small-business consumers based on an assessment of the opportunity for cost-effective conservation measures for such consumers. The commission is also required to define "small business" and to consider definitions of that term used for other programs that assist small businesses.

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PUBLIC 131 An Act To Designate Pay Phone Locations in the Public Interest

LD 1101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS DAMON	OTP-AM	H-199

Public Law 2005, chapter 131 directs the Public Utilities Commission to establish by rule a process for providing for public-interest pay phones. The commission is directed to establish procedures for citizens to petition for public-interest pay phones and standards for reviewing such petitions. A proposed public-interest pay phone must fulfill a public health, safety or welfare policy objective, and the commission must find that a pay phone would not otherwise remain or be placed at a proposed public-interest pay phone location by the operation of the competitive marketplace. Funding for these pay phones is limited to \$50,000 per year and is provided from the state universal service fund.

The Public Utilities Commission is required to provide annual reports to the Joint Standing Committee on Utilities and Energy on public-interest pay phones. The committee is authorized to report out legislation on the subject to the First Regular Session of the 123rd Legislature (2007).

PUBLIC 132 An Act To Assist Persons with Pulmonary Disabilities

LD 563

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	OTP-AM	H-181

Public Law 2005, chapter 132 requires the commission to establish an equitable-treatment program to ensure that electricity bill assistance benefits provided to low-income residential customers who for health reasons must use electric oxygen pumps mitigate, to an extent that is reasonably equivalent throughout the State, the increased electric costs associated with the use of oxygen pumps. Only persons eligible for benefits under the current utility programs are eligible for the adjustment provided under the equitable-treatment program.

Pursuant to current law, the Public Utilities Commission has established different low-income assistance programs in different transmission and distribution utility territories. As a result, low-income customers of Central Maine Power Company are offered a percent-of-income program that generally provides greater benefits than those offered under other transmission and distribution utility programs. The equitable-treatment program is designed to mitigate the difference in benefits provided to low-income residential customers who for health reasons must use electric oxygen pumps.

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PUBLIC 135 **An Act To Ensure Equity in Funding**
EMERGENCY

LD 868

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-198

Public Law 2005, chapter 135 modifies laws relating to the assessments which provide funding for the Public Utilities Commission and the Office of the Public Advocate.

1. It apportions the assessments on public utilities to fund the Public Utilities Commission and the Office of the Public Advocate based on an accounting of resources devoted by each agency to matters related to the various categories of utilities. Within each utility category, the assessment is based on gross intrastate operating revenues;
2. It provides that all unspent funds derived from the Public Advocate assessment and Public Utilities Commission assessment do not lapse but are carried forward to the next fiscal year;
3. It clarifies that the Public Advocate assessment does not produce revenues to fund the State Nuclear Safety Advisor, a position that is separately funded; and
4. It directs the Public Utilities Commission to account for resources devoted to matters relating to entities other than public utilities. It directs the commission to report the results to the Joint Standing Committee on Utilities and Energy no later than March 1, 2006 and authorizes the committee to report out a bill to the Second Regular Session of the 122nd Legislature relating to assessments which provide funding for the Public Utilities Commission and the Office of the Public Advocate.

Public Law 2005, chapter 135 was enacted as an emergency measure effective May 18, 2005.

PUBLIC 190 **An Act To Improve Cooperative Energy Purchasing for Schools,
Towns and Nonprofits**

LD 1375

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP	

Public Law 2005, chapter 190 expands the authority of the Maine Municipal Bond Bank (MMBB) to aggregate government units (counties, municipalities, SADs and community school districts, and quasi-municipal entities such as water and sewer districts) and nonprofits to purchase in bulk petroleum products, fuel oil and natural gas.

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PUBLIC 192 **An Act To Streamline Sewer District Borrowing and Amend Laws**
EMERGENCY **Governing Water District Borrowing To Ensure Consistency**

LD 864

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES BARTLETT	OTP-AM	H-184

Public Law 2005, chapter 192 allows sewer districts to increase their debt limits through a local referendum process instead of having to go through the legislative process to change their charters. This mirrors a current provision relating to use of referenda by water districts to increase their debt limits. Public Law 2005, chapter 192 makes it clear that a referendum held by a water or sewer district can be held outside the territory of the district if the usual voting place is located outside the territory of the district. This law does not affect the sanitary district enabling law, since that law does not establish a debt limit for sanitary districts; the sanitary district enabling law does currently provide for a voter petition process to call for a referendum on certain debt issuances.

Public Law 2005, chapter 192 was enacted as an emergency and took effect on May 20, 2005.

PUBLIC 204 **An Act To Promote Responsible Advertising by Public Utilities**

LD 1198

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BARTLETT	ONTP MAJ OTP-AM MIN	H-296

Public Law 2005, chapter 204 makes the rules of the Public Utilities Commission concerning the following public utility matters major substantive rules: promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; and political activities. The Public Utilities Commission's current rules on these matters are in Chapter 83 of its rules.

PUBLIC 209 **An Act To Permit the Establishment of Regional Water Councils**
EMERGENCY

LD 1162

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW BARTLETT	OTP-AM	H-308

Public Law 2005, chapter 209 allows water utilities to form regional water councils. A council is formed as and has the powers of a nonprofit corporation. It is not a governmental organization. In addition to its powers as a nonprofit corporation, a council may also undertake studies, promote cooperative arrangements, make recommendations to members and other public agencies that perform functions within the region, and provide purchasing, billing, accounting and customer services to its members. A regional water council may not exercise any power that would cause it to become a water utility and no water utility is required to become a member of a regional water council. The PUC is authorized to provide assistance to the councils; grant and

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other funds available to regional water councils are not required to pass through the commission. No fund or service of the State or instrumentalities otherwise available to water utilities may be made conditional on a water utility's membership in a regional water council. Water utilities that are members of a regional water council remain fully subject to Public Utilities Commission jurisdiction and authority.

Public Law 2005, chapter 209 was passed as an emergency and took effect May 24, 2005.

PUBLIC 248 An Act Establishing a Role for the Public Advocate in Promoting Railroad Service Quality

LD 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM SAVAGE	OTP-AM	H-182 S-188 DAMON

Public Law 2005, chapter 248 directs the Public Advocate to seek to promote and enhance railroad freight service quality. It accomplishes the following:

1. Directs the Public Advocate to collect data on the quality of railroad freight service in this State, to organize that data in accordance with a performance matrix developed in consultation with the Department of Transportation and shippers and to provide to the Department of Transportation regular reports on the quality of railroad freight service;
2. Authorizes the Public Advocate to provide information to federal, regional or state agencies, groups or organizations; to provide advice and assistance to shippers; with the consent of the parties, to facilitate or mediate railroad freight service disputes; and to take any other appropriate actions consistent with the purposes of this legislation;
3. Provides for confidential treatment of the identity of shippers who provide service quality information to the Public Advocate;
4. Provides \$20,000 each year from the railroad excise tax to fund these activities of the Public Advocate;
5. Requires the Public Advocate to report annually to the Utilities and Energy Committee and the Transportation Committee with regard to activities taken under this legislation and recommendations for any modifications to the legislation, including funding levels;
6. Repeals all the provisions 90 days after the adjournment of the Second Regular Session of the 123rd Legislature but authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation in that session regarding the subject matter of this legislation; and
7. Authorizes the Utilities and Energy Committee and the Transportation Committee jointly to report out legislation concerning railroad freight service to the Second Regular Session of the 122nd Legislature.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

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PUBLIC 251 An Act To Sustain Maine Schools and Libraries

LD 1259

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R BLISS	OTP-AM	S-116 S-201 BARTLETT

Public Law 2005, chapter 251 increases the amount the Public Utilities Commission may collect from carriers for contributions to the telecommunications education access fund. The current law limits the collection from carriers to 0.5% of retail charges for telecommunications services. Public Law 2005, chapter 251 increases the amount collected to 0.7% of intrastate retail charges, allowing the commission to cover costs while recipients await E-rate discounts and to fund up to \$500,000 per year to pay for electronic databases. The Public Utilities Commission is required to provide a report to the Utilities and Energy Committee detailing the status of available revenues and expenditures, including federal funds, for the schools and libraries program supported by the telecommunications education access fund.

PUBLIC 254 An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers

LD 1342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-227

Public Law 2005, chapter 254 establishes fixed annual fees to cover all State fees, costs and assessments with respect to Maine Yankee, other than compliance costs associated with the federal Resource Conservation and Recovery Act. It repeals certain state monitoring and oversight activities. It implements portions of a recent Federal Energy Regulatory Commission settlement related to decommissioning the facility that was approved in August 2004.

Public Law 2005, chapter 254 establishes a single assessment, to be paid by the licensee operating an interim spent fuel storage facility in this State, for all state activities related to the site, including safety, radiation and environmental monitoring and security. The payment to the State is \$90,000 for the end of 2005; \$360,000 for calendar years 2006 and 2007; \$296,667 in 2008; and \$170,000 every year thereafter until the spent fuel is removed from the site and the interim spent fuel storage installation is finally decommissioned. It establishes a fund within the Office of the Public Advocate to receive the unified state assessment on the licensee. The Public Advocate is directed to disburse amounts in the fund in order to pay or contribute to the payment of costs incurred by agencies with respect to federal or state proceedings; safety, radiation and environmental monitoring; and security or other oversight-related activities related to the decommissioning of a nuclear power plant or the development or operation of an interim spent fuel storage facility in this State. The Public Advocate is required to keep an annual accounting of all funds received by the fund and all disbursements from the fund and to make a report of this accounting to the Utilities and Energy Committee by the first Monday in February of each year.

Public Law 2005, chapter 254 eliminates the requirement in the Maine Revised Statutes, Title 35-A for monitoring and reporting of routine radioactive releases from a nuclear power plant.

Public Law 2005, chapter 254 terminates the position of the State Nuclear Safety Inspector on September 30, 2006. It also eliminates the fees associated with funding that position, the Health and Environmental Testing

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Lab, and the Nuclear Safety Advisor. It also removes a requirement that assessments on low-level radioactive waste generators to fund the Radioactive Waste Fund result in a specific total amount; Maine Yankee will remain subject to assessments for actual shipments of low-level radioactive waste.

Public Law 2005, chapter 254 eliminates, after the payment made in July 2005, the requirement that Maine Yankee reimburse the Department of Environmental Protection for costs incurred by the department in conducting activities related to the decommissioning. It also amends the sunset on the fee to fund the Advisory Commission on Radioactive Waste and allows any remaining funds to be kept by the DEP rather than returned to Maine Yankee.

PUBLIC 303	An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls	LD 1373
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<u>Sponsor(s)</u> ADAMS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-560
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Public Law 2005, chapter 303 requires the Emergency Medical Services Board, in consultation with the Emergency Services Communication Bureau within the Public Utilities Commission, to adopt rules governing qualifications for and standards to be observed by public service answering points (PSAPs) in responding to E-9-1-1 calls. Beginning in 2007, the rules regulate the provision of emergency medical dispatch services in response to E-9-1-1 calls and require all PASPs and their employees handling E-9-1-1 calls to meet certain standards and qualifications. Under current law, violations of these requirements will be grounds for licensing actions by the Emergency Medical Services' Board. Public Law 2005, chapter 303 provides funding from the E-9-1-1 fund to cover the costs of the Emergency Medical Services' Board in implementing the certification requirements. It also provides that the Emergency Services Communication Bureau use the E-9-1-1 fund to pay the costs of training incurred by PSAPs in meeting the certification requirements.

PUBLIC 305	An Act To Improve Funding for Telecommunications Relay Services	LD 1290
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<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-559
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Public Law 2005, chapter 305 moves the funding source for telecommunications relay services from its current embedded subsidy in local exchange carrier bills into the state universal service fund, which is funded by assessments on all intrastate telecommunications providers. It provides that the Telecommunications Relay Services Advisory Council must develop recommended funding level requirements; the Public Utilities Commission then makes the final decision on funding levels.

Public Law 2005, chapter 305 removes a provision in law currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts authorized to be transferred from that fund to the Communications Equipment Fund. The Communications Equipment Fund provides funding for telecommunications equipment for deaf and hard-of-hearing persons.

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**PUBLIC 334 An Act To Improve the Operation of Underground Damage
Prevention Procedures**

LD 331

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-558

Public Law 2005, chapter 334 revises the law governing underground damage prevention procedures (known as the “dig-safe law”). It:

1. Authorizes the Public Utilities Commission to extend, through major substantive rule, excavation notification requirements that apply to drinking water well construction (established by major substantive rule) to other types of excavation. The rules currently allow well drillers to check the commission’s database 30 days before the excavation to determine if any facilities are located in the municipality; if none, the excavator may go ahead with the excavation without contacting the dig safe system;
2. Directs the commission to establish through major substantive rule procedures to reduce the incidence of damage to newly-installed underground facilities in active excavation areas;
3. Gives the commission general authority to adopt rules to implement the damage prevention laws;
4. Makes all Public Utilities Commission rules implementing the dig safe law major substantive rules. It provides that all existing rules of the commission remain in effect but that any amendments to those rules are subject to legislative review as major substantive rules;
5. Provides that when an underground facility is discovered during an excavation and the location of that facility was, prior to the discovery, unknown or unclear to the underground facility operator, the commission may direct that operator to determine and map the location of the facility for a reasonable distance, as determined by the commission, from the point of discovery; and
6. Requires the commission to adopt major substantive rules establishing standards for when and at what level penalties must be assessed for violations of the dig safe law. In developing the rules, the commission is directed to include consideration of evidence of the past record of successful excavations as well as the seriousness of the current violation.

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PUBLIC 336 An Act To Promote the Use of Public Safety Telecommunications Equipment by the Deaf and Hard-of-hearing Community

LD 1613

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ OTP-AM MIN	S-285

Public Law 2005, chapter 336:

1. Establishes a program for deaf and hard-of-hearing individuals with incomes less than 135% of the federal poverty level to provide a discount to help offset the costs of owning a wireless communications device or 2-way pager that is used to receive state or federal emergency notifications;
2. Provides funding for the program by allowing transfers of funds from the state universal service fund to the Communications Equipment Fund for exclusive use of the program;
3. Removes a provision currently prohibiting the Public Utilities Commission from requiring contributions to the state universal service fund in order to cover amounts currently authorized to be transferred from that fund to the Communications Equipment Fund; and
4. Directs the Public Utilities Commission, in consultation with the Department of Labor, Bureau of Rehabilitation Services, to make recommendations prior to January 31, 2008 on whether the amount of funding authorized to be transferred from the universal service fund to the discount program is appropriate and sufficient and whether adjustments should be made to the authorized amount.

PUBLIC 350 An Act Regarding Energy Codes

LD 1685

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 2005, chapter 350:

1. Provides for the Public Utilities Commission rather than the Department of Economic and Community Development to administer statutory energy efficiency building performance standards;
2. Changes certain definitions in the energy efficiency building performance standards laws to make them consistent with the model building energy code adopted by major substantive rule of the Public Utilities Commission;
3. Updates the mandatory building energy standards for multifamily residential buildings less than 4 stories in height to the standards adopted in the model building energy code;
4. Directs the Public Utilities Commission to provide information about the mandatory commercial building standards to entities involved in permitting building construction so that the information can be distributed to persons applying for such permits. It authorizes the commission to distribute the forms or other educational materials to entities involved in the design or construction of commercial buildings; and

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5. Provides that municipalities may adopt an amended version of the model building energy code that does not include certain parts or portions of that code or that creates new exemptions from its requirements; it does not permit a municipality to adopt a version that includes modifications to any standard established in the model code.

**PUBLIC 432 An Act To Allow Administrative Penalties Imposed by the Public
Utilities Commission To Be Applied To Benefit Customers**

LD 94

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT BLISS	OTP-AM	S-18

Public Law 2005, chapter 432 authorizes the Public Utilities Commission to apply administrative penalties it collects in a manner that benefits those customers affected or potentially affected by the violations. If the commission determines this application of the amount to be impractical or unreasonable, it may apply the amount in a manner that benefits the class or group of customers affected or potentially affected by the violation. The commission may apply the amounts in the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation or to supplement programs or funds that the commission determines would benefit customers affected or potentially affected by the violation. Any amounts applied to supplement an existing program or fund may not result in a reduction in other funding provided for the program or fund unless the reduction is outside the commission's control, the commission finds that application of the penalty amount to the fund or program is the most appropriate use of the penalty, and the net effect will be an increase in total funding available to the program or fund.

PUBLIC 459 An Act To Encourage the Use of Solar Energy

LD 1586

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM	OTP-AM MAJ	H-615
COURTNEY	OTP-AM MIN	S-403 ROTUNDO

Public Law 2005, chapter 459 provides rebates for the purchase and installation of solar water heating and solar air heating systems and solar electric, or "photovoltaic," systems for residential or commercial buildings. Qualified solar installations made by qualified installers after July 1, 2005 qualify for the rebate program. Funding for the program is provided through an assessment on transmission and distribution utilities; the assessment is capped at 0.005 cents per kilowatt hour and is deposited in the solar energy rebate program fund. The cap on the assessment for the conservation program fund is reduced by the same amount so that there is no net increase in total assessment as a result of the combined assessments. Rebates for solar photovoltaic systems are limited to 25% of the solar energy rebate program fund and rebates for solar thermal systems are limited to 75% of the fund per fiscal year.

Installations of qualified photovoltaic systems (peak capacity no more than 100kW, installed in residential or commercial building by certain qualified persons, and connected to the grid) are eligible for a rebate of \$3/watt for first 2 kilowatts of capacity and \$1/watt for next kilowatt of capacity. Installations of qualified solar thermal systems designed to heat water (installed by certain qualified persons in a residential or commercial building and connected to the grid) or qualified solar thermal systems designed to heat air (installed in a residential or commercial building and connected to the grid) are eligible for a rebate equal to the lesser of 25% of system cost

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(including installation) or \$1,250. Participation in the solar energy rebate program is limited to residents of the State.

Between July 1, 2005 and January 1, 2007, a solar photovoltaic system must be installed by a master electrician who has completed a training course to prepare for certification by the North American Board of Certified Energy Practitioners (NABCEP) or by a master electrician working in conjunction either with a person who has been certified by NABCEP or a person who has completed a training course to prepare for certification by a NABCEP; on or after January 1, 2007, the system must be installed by a master electrician who has been certified by a NABCEP or by a master electrician working in conjunction with a person who has been certified by NABCEP. A solar thermal system designed to heat water may be installed by a licensed plumber who has been certified by the commission to install such systems or by a licensed plumber working in conjunction with a person who has been certified by the commission to install such systems.

The Public Utilities Commission administers the rebate program.

The program is repealed on December 31, 2008.

P & S 6 An Act To Efficiently Use Funds of the Public Utilities Commission LD 860
EMERGENCY

<u>Sponsor(s)</u> BLISS BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-141
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Private and Special Law 2005, chapter 6 authorizes the Public Utilities Commission to carry forward to the next fiscal year 100% of unexpended funds in fiscal year 2005 and fiscal year 2006. Currently, under 35-A MRSA §116(5), the commission is authorized to carry forward up to 5% of the total annual assessment. Amounts in excess of this must either be presented to the Legislature for allocation to the commission or used to reduce the assessment in the following year. (Note: LD 868, which became Public Law 2005, chapter 135, makes this authorization permanent.)

Private and Special Law 2005, chapter 6 was enacted as an emergency and took effect on May 12, 2005.

P & S 7 An Act To Amend the Mexico Water District Charter LD 355

<u>Sponsor(s)</u> HOTHAM BRYANT B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-140
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Private and Special Law 2005, chapter 7 makes clear that trustees of the Mexico Water District receive compensation as established in accordance with the provision of the Maine Revised Statutes that governs water district trustee compensation.

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P & S 8

An Act To Amend the Mexico Sewer District Charter

LD 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM BRYANT B	OTP-AM	H-138

Private and Special Law 2005, chapter 8 clarifies that trustees of the Mexico Sewer District receive compensation as established in accordance with the provision of the Maine Revised Statutes that governs sewer district trustee compensation.

P & S 11

An Act To Amend the Waldoboro Utility District

LD 389

EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-180

Private and Special Law 2005, chapter 11 clarifies that a person may connect to a sewer of the Waldoboro Utility District upon obtaining a permit from the trustees of the district and upon payment of an entrance charge. It clarifies whose residence that must be written on a nomination petition for a candidate for district trustee. It updates the district's charter by cross-referencing the provisions of the Maine Revised Statutes governing trustee compensation and requirements for notice and public hearing prior to the adoption of new rate schedules. It also expands the purposes for which the Waldoboro Utility District may collect rates: It conforms those purposes in general to those that govern the rates of sanitary districts under the Maine Revised Statutes, Title 38, section 1202 but includes additional authority for the district to establish reserve accounts.

Private and Special Law 2005, chapter 11 was enacted as an emergency and took effect on May 13, 2005, except that portion of Private and Special Law 2005, chapter 11 that changes the purposes for which the district may collect rates took effect only for the purpose of permitting its submission to the voters of the district in a referendum.

P & S 13

An Act To Revise the Charter of the Kennebunk Sewer District

LD 982

EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE SULLIVAN	OTP-AM	H-183

Private and Special Law 2005, chapter 13 revises the Kennebunk Sewer District Charter. It makes a variety of changes designed to incorporate into the charter provisions from the Sanitary District Enabling Law, including a provision providing a process for the recall of district trustees. It modifies some provisions that it incorporates. It also reduces the terms of the trustees from 5 years to 3 years; current trustees continue to serve until their terms expire.

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Private and Special Law 2005, chapter 13 was enacted as an emergency and took effect on May 20, 2005 but only for the purposes of permitting its submission to the voters of the district in a referendum.

**P & S 14
EMERGENCY**

An Act To Create the Fryeburg Water District

LD 1113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE HASTINGS	OTP-AM	H-251

Private and Special Law 2005, chapter 14 creates the Fryeburg Water District. The territory of the district runs to but does not extend beyond the borders of this State. The district is authorized to arrange for continued service to customers of the Fryeburg Water Company located outside the territory of the district, including those located in New Hampshire, provided appropriate arrangements can be made. It provides that the district may sell water to bulk water exporters in accordance with applicable laws. It provides that the district may take by eminent domain the property and franchise of the Fryeburg Water Company located within the territory of the district.

Private and Special Law 2005, chapter 14 was enacted as an emergency and took effect on May 20, 2005 but only for the purpose of permitting its submission to the voters of the district in a referendum.

P & S 19

An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services

LD 1128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ ONTP MIN	S-162

Private and Special Law 2005, chapter 19 requires the Executive Department, State Planning Office, in conjunction with the Public Utilities Commission and the Department of Economic and Community Development, to study the economic, technological and funding issues associated with municipalities providing wireless Internet services to their communities. The bill requires the State Planning Office to submit a report on its findings to the Utilities and Energy Committee by September 12, 2006 and authorizes the committee to report out a bill to the 1st Regular Session of the 123rd Legislature.

P & S 21

An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands

LD 1442

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-486

Private and Special Law 2005, chapter 21 provides that the Fox Islands Electric Cooperative, Inc. may sell wholesale generation service in order to reduce its cost of providing retail service. Under current law, a consumer-owned transmission and distribution utility may not sell wholesale generation service except

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incidental sales necessary to reduce the cost of providing retail service. Private and Special Law 2005, chapter 21 provides somewhat broader authority to the Fox Islands Electric Cooperative, Inc.

P & S 22

An Act To Amend the Charter of the York Sewer District

LD 413

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	OTP-AM A	S-281
	OTP-AM B	
	ONTP C	

Private and Special Law 2005, chapter 22 amends the charter of the York Sewer District to:

1. Cross-reference statutory law requiring municipal review and approval of sewer extensions;
2. Require the York Sewer District to include in its annual report audited financial statements and require the Town of York to include the district's report in the town's annual report;
3. Provide that decisions of the district relating to assessments for sewer construction may be appealed to the Town of York;
4. Establish a process for involuntary dissolution of the York Sewer District and for the transfer of its assets and obligations to the Town of York. The process is initiated by citizen petition followed by a referendum vote within the town; and
5. Fix an incorrect reference in the current charter.

Private and Special Law 2005, chapter 22 does not take effect unless approved by referendum vote within the district.

P & S 24

An Act To Expand the Powers of the Stonington Sanitary District

LD 1658

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-561
DAMON		

Private and Special Law 2005, chapter 24 expands the territory and powers and adds new residency requirements for the trustees of the Stonington Sanitary District. The new powers granted to the district, which was established pursuant to the Sanitary District Enabling law and not by private and special law charter, are the authority to implement seasonal rates and to provide septic services to entities not connected to the district's facilities.

Private and Special Law 2005, chapter 24 is subject to approval by district referendum.

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RESOLVE 57 **Resolve, Regarding Legislative Review of Portions of Chapter 306:** **LD 1610**
EMERGENCY **Uniform Information Disclosure and Informational Filing**
 Requirements, a Major Substantive Rule of the Public Utilities
 Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2005, chapter 57 authorizes final adoption of that portion of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, that constitutes a major substantive rule of the Public Utilities Commission.

Resolve 2005, chapter 57 was passed as an emergency measure effective May 26, 2005.

RESOLVE 62 **Resolve, To Direct the Public Utilities Commission to Examine** **LD 1418**
 Issues Related to the Collection of Certain Fees on Prepaid
 Wireless Telephone Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-419
BARTLETT		

Resolve 2005, chapter 62 directs the Public Utilities Commission to examine methods of ensuring equity in funding the E-9-1-1 system, the Telecommunications Education Access Fund and the universal service fund through the collection of fees on prepaid wireless telephone service. The commission is directed to submit its report with its recommendations to the Joint Standing Committee on Utilities and Energy by February 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out a bill on the subject matter of the report to the Second Regular Session of the 122nd Legislature.

RESOLVE 63 **Resolve, To Ensure Proper Handling by the E-9-1-1 System of** **LD 1612**
 Calls Made by Persons Who Are Deaf, Hard-of-hearing or Speech-
 impaired

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-228

Resolve 2005, chapter 63 directs the Emergency Services Communication Bureau in the Public Utilities Commission to convene a stakeholders group, including representatives of dispatch centers that handle E-9-1-1 calls and the Maine Center on Deafness, to examine how to ensure that the E-9-1-1 system adequately handles calls made by persons who are deaf, hard-of-hearing or speech-impaired. The Emergency Services Communication Bureau is required, no later than January 15, 2006, to report to the Joint Standing Committee on Utilities and Energy the results of the stakeholder process. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of this resolve to the Second Regular Session of the 122nd Legislature.

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RESOLVE 65 **Resolve, Regarding Legislative Review of Portions of Chapter 301:** **LD 1392**
EMERGENCY **Standard Offer Service, a Major Substantive Rule of the Public**
 Utilities Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-420

Resolve 2005, chapter 65 does not authorize final adoption of those portions of Chapter 301: Standard Offer Service that constitute a provisionally adopted major substantive rule of the Public Utilities Commission. It authorizes the commission to submit revised or new rules on the same subject matter for review in the Second Regular Session of the 122nd Legislature.

Resolve 2005, chapter 65 was enacted as an emergency and took effect on May 31, 2005.

RESOLVE 88 **Resolve, Regarding Legislative Review of Chapter 920: Maine** **LD 1591**
EMERGENCY **Model Building Energy Code, a Major Substantive Rule of the**
 Public Utilities Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-510
	OTP-AM MIN	

Resolve 2005, chapter 88 authorizes adoption of Chapter 920: Maine Model Building Energy Code, a major substantive rule of the Public Utilities Commission provided certain changes to rule are made. The required changes include technical changes to clarify the model code standards; the addition of exemptions for modular housing, owner-built homes, and log homes; and changes to ensure the application of the model code and its relation to existing mandatory standards are consistent with statute. It also requires the Public Utilities Commission to absorb any costs associated with the implementation of the rule.

Resolve 2005, chapter 88 was enacted as an emergency and took effect on June 3, 2005.

RESOLVE 89 **Resolve, Regarding Legislative Review of Chapter 11:** **LD 1665**
EMERGENCY **PBX/Multiline Telephone System (MLTS) Requirements, a Major**
 Substantive Rule of the Public Utilities Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-509

Resolve 2005, chapter 89 authorizes final adoption of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission provided that the rule is amended to add an application section specifying that nothing in the rule requires any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues.

Resolve 2005, chapter 89 was enacted as an emergency and took effect on June 3, 2005.

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RESOLVE 109 Resolve, To Establish Energy Standards for Residential Rental Properties

LD 1098

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER STRIMLING	OTP-AM	H-487

Resolve 2005, chapter 109 directs the Public Utilities Commission and the Maine State Housing Authority to coordinate discussions among interested stakeholders concerning the energy efficiency of and appropriate efficiency standards for rental properties. It also directs the Public Utilities Commission and the Maine State Housing Authority to develop a disclosure form by which landlords inform prospective renters whether the rental units meet mandatory or model state energy efficiency codes or standards and of the renters' ability under the Maine Revised Statutes, Title 14, chapter 710-C to discover the units' previous energy consumption and utility costs. The Public Utilities Commission and the Maine State Housing Authority are required to submit a report on these activities no later than January 31, 2006. The Joint Standing Committee on Utilities and Energy is authorized to report out legislation relating to the subject matter of the resolve to the Second Regular Session of the 122nd Legislature.